



## **Faculty and Staff Resource Guide: Working with Students with Disabilities**

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### **About this Handbook**

- This handbook was updated November of 2023 and is available in alternate formats upon request.

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## **Introduction from the DSPS Director**

Dear College of the Desert Community:

Welcome to the College of the Desert Faculty and Staff Resource Guide for Working with Students with Disabilities. This guide is designed to assist you in working effectively with students with disabilities and contains valuable information on providing the mandated services and accommodations. Additionally, the goal of this guide is to help faculty and staff meet the legal obligations of providing all students with equal access to educational content and materials to enhance student success.

The resource guide will introduce some strategies and best practices which enhance instruction for all students, including those with disabilities. It is important that faculty and staff collaborate with students to find solutions to situations encountered in and out of the classroom with regard to the student's disability. Collaboration can be facilitated by providing information about services to students, such as a statement in your class syllabus about educational accommodations and the available services for students with disabilities. DSPS serves as a resource for all faculty and staff at COD and we are eager to work together to ensure a successful college experience for students with disabilities.

On behalf of the DSPS department, we hope you find this guide a useful and supportive resource and we welcome your suggestions on how DSPS can best assist you. We also offer training sessions tailored to your specific needs. Always feel free to drop by the DSPS Office to ask any questions or for additional information.

Sincerely,

A handwritten signature in blue ink that reads "Leslie Quiñones".

Leslie Quiñones, DSPS Director

## **About DSPS**

DSPS currently serves approximately 772 students each year with disabilities at College of the Desert, assisting them to achieve their educational goals by providing the services and programs needed to participate in the college classroom.

Disabilities may include, but are not limited to:

- Acquired Brain Injury
- Attention-Deficit/Hyperactivity Disorder (ADHD)
- Autism Spectrum
- Blind and Low Vision
- Deaf and Hard of Hearing
- Intellectual Disabilities
- Learning Disabilities
- Mental Health Disabilities
- Physical Disabilities
- Other Health Conditions and Disabilities which limit the student's ability to access the educational process

## **Philosophy and Mission of DSPS**

### **Philosophy**

College of the Desert's Disabled Students Programs and Services (DSPS) advocates for the integration of qualified students with disabilities into the mainstream of the college's programs and services. DSPS is committed to serving as a resource and assisting the campus in providing support services and auxiliary aids to students with disabilities and to ensure access and equal opportunity so students with disabilities may attain their educational goals. All DSPS services are designed to enhance successful student participation at College of the Desert.

## **Mission Statement**

Disabled Students Programs and Services at College of the Desert is committed to assisting the campus with providing students with disabilities equal access to a community college education. Through the utilization of specialized instructional programs and disability-related services, DSPS encourages and fosters student independence and assists students in attaining their educational and vocational goals.

To accomplish this mission, the DSPS staff commits to the following guidelines:

- The services and auxiliary aids exceed what is available to the general student population.
- The services and auxiliary aids are offered in a timely fashion.
- The services and auxiliary aids are based on the individualized educational capabilities unique to each student.
- The services and auxiliary aids are of sufficient quality to have a positive impact on the student's educational plan.
- The services and auxiliary aids provide equal access and do not give an unfair advantage to the student with a disability.
- The services and auxiliary aids are evaluated and revised, as necessary, to ensure student needs are met to the greatest possible extent.
- DSPS will foster independence and self-advocacy in the students it serves.



# **Legal Foundations for Academic Accommodations**

The fundamental principles of nondiscrimination and accommodations in academic programs were set forth through the 1973 Rehabilitation Act, Section 504. Other applicable laws include the Americans with Disabilities Act (and its 2008 amendments), Section 508 of the Rehabilitation Act, SB 105, CA Code 7405 and Title 5 (and its 2015 updates). As well, local Board Policies and Administrative Procedures 5140 and 6365 support these pieces of legislation.

## **Rehabilitation Act of 1973**

The Rehabilitation Act of 1973 defines individuals with disabilities covered in Title 5 as “any person who (i) has a physical or mental impairment which substantially limits one or more major life activity (e.g., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working) and (ii) has a record of such impairment.”

Section 504 states, “No otherwise qualified individual with a disability in the United States, as defined in section 705 (20), shall, solely by reason of the disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service” (The Rehabilitation Act of 1973).

The effect of Section 504 on post-secondary institutions is summed up by the concept of program accessibility to students with disabilities.

“Accessibility includes the elimination of policy barriers, the provision of auxiliary aids such as readers and interpreters, and the provision of equal educational services and programs to disabled and non-disabled students, as well as the traditional physical access to the campus” (Johns, CAPED, Vol. 1 (No. 1), p. 7). Furthermore, Section 504 states, “In its course examinations

or other procedures for evaluating students' academic achievements, institutions shall provide such methods for evaluating the achievements of students who have a disability that impairs sensory, manual or speaking skills as will best ensure that the results of the evaluation represent the student's achievement in the course, rather than a student's impaired skills except where such skills are the factors being measured" (Section 504, Subpart E, 104.44 c).

## **Americans with Disabilities Act Amendments Act of 2008 (ADAAA)**

In 1990, the ADA became law, extending universal civil rights protections for the first time to individuals with disabilities. The ADA was modeled on the Section 504 regulations and the federal case laws that interpret them. The ADA extended the protection for individuals with disabilities beyond federally funded institutions and was amended to the ADAAA in 2008.

The ADAAA has had a dramatic impact upon program and physical accessibility for students with disabilities. Section 36.309 of ADA (Title III) states, "Any such authority that is covered by 504, or by Title II, because it is a function of a State or local government must make all of its programs accessible to persons with disabilities, which includes physical access as well as modifications in the way the test is administered." Test accommodations may include extended time, distraction-reduced setting, and assistance of alternate text and/or a scribe. Moreover, "A public entity offering an examination must ensure that modifications of policies, practices, or procedures or the provision of auxiliary aids and services furnish the individual with a disability an equal opportunity to demonstrate his or her knowledge or ability."

The ADAAA uses the same definition of an individual with disabilities as Section 504 and specifies three protected categories: (1) individuals who have a physical or mental impairment that substantially limits one or more

major life activity; (2) individuals who have a record of a physical or mental impairment that substantially limits one or more major life activity; and (3) individuals who are regarded as having such an impairment.

Both the 1990 Americans with Disabilities Act (Title II), its amendments of 2008 and the 1973 Rehabilitation Act's Section 504 regulations state that the college shall provide academic accommodations unless:

- a) the college can demonstrate that the accommodations are not necessary to ensure nondiscriminatory participation by a student with a disability, or
- b) the college can demonstrate that the academic requirement for which an adjustment is requested is "essential to the program of instruction being pursued by the student."

### **Section 508 of the Rehabilitation Act**

In 1998, Congress amended Section 508 of the Rehabilitation Act (19 U.S.C. 794d) to expand the federal government's responsibility to provide Information and Communication Technology (ICT) which is accessible to, and usable by, people with disabilities. Section 508 requires federal departments or agencies that develop, use, procure, maintain, or use (ICT), to ensure that the (ICT) is accessible.

In 2002, SB 105 (Burton) was signed into law. It requires that all state agencies comply with Section 508. In a Chancellor's Office memo dated March 20, 2003 regarding Legal Opinion M 03-09: "Senate Bill 105 (Stas. 2002, ch. 1102) added language to California Code Section 11135 (now 7405) and entities receiving state funds must comply with the requirements of Section 508 and its implementing regulations set forth in Part 1194 of Title 36 of the Federal Code of Regulations." Thus, districts are required to adopt policies and procedures to ensure that all electronic and information technologies are accessible to persons with disabilities. Before the district or

college can legally purchase any software, hardware, operating system, telecommunication product, or other electronic or information technology, there must be policies and procedures in place to ensure that persons who use adaptive technology can access the information or program. In addition, all college and district web sites must be designed in such a way so that they are accessible to persons who use adaptive technology, such as screen readers and braille displays.

## **Title 5, California Code of Regulations**

Title 5, mandated by Section 504, was revised in October of 2015 and it requires that “Each community college district has primary responsibility to insure that its programs and activities are available to all persons without regard to ethnic group identification, national origin, religion, age, race, sex or gender, color, sexual orientation, ancestry, or physical or mental disability...” No person shall be denied the benefits of any community college program or activity on the basis of ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, or physical or mental disability.

# **Desert Community College District Board Policies (BP) and Administrative Procedures (AP)**

## **Accessibility of Information Technology**

- [AP 6365 Accessibility of Information Technology](#)

## **Disabled Students Programs and Services**

- [BP 5140 Disabled Students Programs and Services](#)
- [AP 5140 Disabled Students Programs and Services](#)

## **Educational Assistance Class Repeatability for Students with Disabilities**

- [BP 5146 Educational Assistance Class Repeatability for Students with Disabilities](#)
- [AP 5146 Educational Assistance Class Repeatability for Students with Disabilities](#)

## **Information and Communication Technology Accessibility and Acceptable Use**

- [BP 3725 Information and Communications Technology Accessibility and Acceptable Use](#)
- [AP 3725 Information and Communication Technology Accessibility and Acceptable Use](#)

## **Service Animals**

- [BP 3440 Service Animals](#)
- [AP 3440 Service Animals](#)

## **Standards for Electronic and Information Technology – Section 508**

- [BP 5147 Standards for Electronic and Information Technology - Section 508](#)

## **Substitution of a Course Requirement for Students with Disabilities**

- [BP 5144 Substitution of a Course Requirement for Students with Disabilities](#)
- [AP 5144 Substitution of a Course Requirement for Students with Disabilities](#)

# **Summary of Rights and Responsibilities**

Students and college faculty and staff, including DSPS, work together and share responsibility to ensure educational support and accommodations for students with disabilities.

## **Rights and Responsibilities of Students with Disabilities**

Students with disabilities have the right to:

- Participate voluntarily in DSPS.
- Participate in courses, programs and activities offered by the college.
- Appeal a decision regarding accommodations through the grievance process.
- Confidentiality and protection against discrimination.

Students with disabilities have the responsibility to:

- Provide professional, documented verification of disability to the college (DSPS).
- Request accommodations in a timely manner.
- Follow policy and procedure for obtaining and using accommodations.
- Work cooperatively with DSPS and faculty to determine and implement accommodations.
- Adhere to the academic and conduct standards of the college.

## **Student Right to Confidentiality**

Confidentiality of disability and accommodation related information is essential. All disability information that a student chooses to share with an instructor should be used only for arranging accommodations. Instructors and staff must maintain a policy of strict confidentiality about the identity of

the student with a disability, the nature of the disability and the disability-related accommodations that they require.

An instructor must not disclose or discuss information about a student's disability or accommodations with other persons, unless the student has authorized the disclosure in writing. It is not legal, for example, to announce by name the student who needs additional time on exams or to discuss the student's disability in class or in the presence of other students.

## **Faculty Rights and Responsibilities**

Faculty members have the right to:

- Set and post academic standards for all students.
- Evaluate all students based on the standards of the class and to grade accordingly.
- Academic freedom of subject matter of educational content.

Faculty members have the responsibility to:

- Ensure all course content and methods of delivery are fully accessible.  
[Faculty and Staff Accessibility Resources](#)
- Use DSPS as their resource to assist them in the provision of accommodations in a timely, reasonable, effective and equal manner.
- Provide handouts and exams in a timely manner and in accessible formats for alternate media provision.
- Select textbooks in a timely manner so that electronic text can be ordered from the publisher or converted by the DSPS office.
- Respect and maintain a student's right to confidentiality about their disability by not announcing or discussing the student's disability in the presence of other students or staff.
- Contact DSPS if there is a concern about any accommodation.

- Work with all campus resources including DSPS to ensure that ICT (Information and Communication Technology) is accessible to students who use assistive technology.

Faculty do not have the right to:

- Refuse to provide any accommodations.
- To question whether the disability exists when accommodations have been authorized by DSPS.
- To inquire about the nature of the student's disability.
- To examine the student's disability documentation, except the Faculty Notification Letter.

## **College and/or District Rights and Responsibilities**

The college and/or district have the right to:

- Request and review documentation that supports requests for accommodation.
- Hold all students accountable to the Student Code of Conduct.

The college and/or district have the responsibility to:

- Inform applicants and students with disabilities about the availability and range of accommodations.
- Ensure that all of its programs are accessible.
- Provide accessible college materials when necessary.
- Establish college policies and procedures for access and a process to resolve disputes.
- Communicate policies and procedures to college employees and students.
- Support an atmosphere of respect and inclusion.



- Adjust, substitute, or waive any requirement that has a disproportionately adverse impact on a disability and is not fundamental to the student's academic program.

## **DSPS Rights and Responsibilities**

DSPS has the right to:

- Request and receive current documentation that supports the need for accommodations.
- Deny a request for accommodations if the documentation demonstrates that the request is not warranted or if the individual fails to provide adequate verification.
- Suspend services if a student persistently violates DSPS policies and procedures regarding academic accommodations.

DSPS has the responsibility to:

- Assist faculty and staff in providing or arranging accommodations and/or auxiliary aids.
- Hold student information confidential except where permitted or required by law.
- Communicate to students, faculty, and staff the process to request accommodations.
- Verify the student's disabilities and authorize accommodations based on functional limitations caused by the disability.

# **Services and Accommodations Prescribed to Eligible Students**

Educational accommodations and academic adjustments make courses accessible to students with disabilities. Educational accommodations and adjustments do not alter content, only the delivery of such. By law, students with disabilities must be given the opportunity both to acquire information and to be evaluated in a way that allows the student to fully demonstrate their knowledge of the subject. Accommodations and adjustments are designed to assist students in overcoming functional limitations resulting from their disability and are not used to lower academic standards. Faculty deliver educational content and evaluate the knowledge of all of their students, including those with disabilities. DSPS serves as a resource to assist instructors with this task and to assist the college as a whole in providing educational accommodations and adjustments within respective departments. Students with disabilities are still responsible for meeting all course, attendance and conduct requirements.

DSPS Counselors, who are College of the Desert Faculty members, prescribe services and accommodations to qualified students so they can access classes, activities and services provided by COD. The support services and accommodations must be directly related to the educational limitations of the student's disabling condition and the educational program of the student. Accommodations may include, but are not limited to, the following services.

## **Counseling Services**

- Academic and Disability-Related Counseling
- Individual or Small Group Orientation (incoming high school students)

## **Classroom Related Services**

- American Sign Language (ASL) Interpreting Services
- Speech to Text and Real-time Captioning
- Note Taking Assistance
- Recording Lectures
- Testing Accommodations
- Electronic Text of Course Materials
- Alternate Media Formats

## **Other Services**

- Educational Assistance Classes (i.e., Vocational Exploration, Social Skills, Transition to College)
- DSPS High Tech Center Computer Lab
- Adaptive and Assistive Technology, Equipment and Resources
- Priority Registration
- Adapted Physical Activity Classes
- WorkAbility III Services

## **Academic and Disability-Related Counseling**

DSPS Counselors are available for disability-related and academic counseling appointments.

## **Adapted Physical Education Courses**

Adapted Kinesiology classes may be offered for students with disabilities. Adapted courses include aquatics, badminton, golf, physical activity (weight training and fitness), tennis and yoga. Mobility aides are provided for students approved for this service.

## **Adaptive and Assistive Technologies**

Specialized computers are available in various locations throughout the campus. If necessary, some training may be provided through the DSPS High Tech Center classes to enhance skills needed to use this specialized equipment. Students should be trained in the assistive technology used on these computers prior to enrolling in a class where this technology is needed. Some examples include Dragon Voice to Text, Otter.ai, JAWS, ZoomText and Kurzweil 3000.

### **Alternate Media**

Alternate media is used to provide an alternate format of students' textbooks, tests or other written matter. This enables a student to access printed material in an audio or electronic version. There are a few different formats that are commonly used.

Kurzweil 3000 offers integrated screen reading features that promote and aid students in reading and studying. Kurzweil offers easy-to-use features that enable students to have their printed materials read aloud to them while highlighting each word as it reads to accommodate a wide range of student learning styles.

Learning Ally is an audio format for textbooks. Students can open their own personal account through Learning Ally.

Braille, electronic text, and other formats are available for students with vision impairments.

If a student is authorized for an auditory form of a test, the DSPS Alternate Media Specialist typically will need an accessible electronic version of the test. When testing and class materials are designed with access in mind (see Using Universal Design for Learning Principles in Instruction, page 21), the provision of alternate media formats is simplified and everyone benefits.

The DSPTS Alternate Media Specialist is the campus resource to assist faculty in providing their educational materials and tests in accessible formats for DSPTS students.

## **DSPTS High Tech Center and Educational Assistance Classes**

The DSPTS High Tech Center (also known as the HTC) is a state-of-the-art assistive technology computer lab with full access to MyCOD, including email, Canvas and Library databases. Students can visit the HTC to study, receive technical assistance, complete homework assignments, perform research and register for classes.

Students who are DSPTS eligible may take Educational Assistance Classes which provide specialized instruction. These classes are listed under the DSPTS section of the COD class schedule and catalog.

## **Interpreting and Real-Time Captioning Services**

Sign language interpreters, real-time captioning services and artificial intelligence (AI) captioning are provided by DSPTS for students who are deaf or hard of hearing. Eligibility for these services will be determined by a DSPTS Counselor and will be based on verification of disability. The role of the interpreter and captioner is to facilitate communication, and foster full interaction and independence for deaf and hard of hearing students in class. Interpreters are not allowed to tutor, assist instructors, or have discussions with students in class that are not related to class content.

## **Note Taking Assistance**

Note taking assistance may be provided in a variety of ways. Ideally, the instructor makes their notes available to all students thus following Universal Design for Learning principles (see page 21) and eliminating the need for this accommodation. In addition, a student may be authorized to audio record their classes or use a recording app.

## **Priority Registration**

DSPS students may be eligible for priority registration. Priority registration status allows students to register on the first day of registration. Appropriate use of priority registration involves requesting accommodations immediately after registering. Students are advised to schedule classes with extra time in between so that they may best utilize extended testing time if this is one of their accommodations.

## **Recording Lectures**

Some DSPS students prefer recording lectures or utilizing a recording and transcribing app to traditional notetaking. It is important to note that students with disabilities have the right to record class lectures only for personal study purposes if approved by DSPS. Lectures recorded and/or transcribed for personal study may not be shared with other people without the consent of the lecturer. Information contained in the audio-recorded lecture is protected under federal copyright laws and may not be published or quoted without the express consent of the lecturer and without giving proper identity and credit to the lecturer. Students who are approved for recording lectures as an accommodation are required to sign a student agreement for recording lectures with DSPS.

## **Testing Accommodations**

Testing accommodations apply to all exams (including distance education, timed essays, and lab exams) and quizzes (including pop-quizzes). Testing accommodations may include a distraction-reduced setting, extended time and other accommodations such as alternate text formats, adaptive computers and assistive technology. Refer to [Appendix B: Testing Procedures](#) for detailed information.

## **Tutoring Support**

Tutoring for DSPS and all COD students is conducted in the [Tutoring and Academic Skills Center \(TASC\)](#).

## **WorkAbility III Services**

The WorkAbility III Program is a cooperative agreement with the California Department of Rehabilitation and College of the Desert. Students in this program receive employment preparation including career exploration and research, job development services, resume writing, interview skills and assistance locating internships, part-time, or full-time work in their field.

## **Providing Prescribed Accommodations**

Services are provided for enrolled students only. Once the matriculation process is completed, students make an appointment to see a DSPS Counselor for verification of disability and to make arrangements for support services. Authorized accommodations and academic adjustments are determined and discussed with the student based upon the functional limitations of the disability.

## **Summary of Process for Student to Receive DSPS Services**

Student provides DSPS with verification of disability.

1. The DSPS Counselor, in consultation with the student, identifies educational limitations and prescribes educational accommodations and academic adjustments.
2. Student provides a DSPS Faculty Notification Letter to instructors in a timely manner. Faculty should have a private discussion with the student about these accommodations.
3. All requests for accommodations are the responsibility of the student.

4. DSPS assists the instructor in providing accommodations, to the extent needed to ensure that equal and timely access is provided.

## **Instructor's Role in Providing Accommodations**

Instructors play a key role in the accommodation process. The level of involvement faculty will have in the accommodation process will vary depending upon the type of accommodation prescribed, the setting for the accommodation, and the functional limitations of the student's disability. Faculty are always welcome to supply any educational accommodation as this promotes integration rather than segregation of the student with a disability. UDL Principles (page 21) assist instructors in the delivery of their educational content so as to include every student regardless of disability.

You may want to refer a student who is having difficulties to DSPS. You could encourage the student to meet with you to discuss their learning needs and then say something like, "I noticed that you seemed to have difficulty organizing your paper. You might consider using some of the support services we have on campus such as the Tutoring and Academic Skills Center, Student Health and Wellness, or Disabled Students Programs and Services."

Upon receipt of the Faculty Notification Letter from the student, the instructor shall assume the responsibility of assisting in the delivery of the prescribed accommodations.

Important Note: Maintaining student confidentiality is critical (see page 9).

## **Course Syllabus Statement for DSPS**

It is important for faculty to include on the syllabus a statement advising students of the process to request accommodations from the instructor. An example of a suggested syllabus statement is shown below:



- College of the Desert views disability as an important aspect of diversity, and is committed to providing equitable access to learning opportunities for all students. Disabled Students Programs and Services (DSPS) is the office that collaborates with students with disabilities to provide reasonable accommodations. Please contact the DSPS office at (760) 773-2534, [dsps@collegeofthedesert.edu](mailto:dsps@collegeofthedesert.edu), or visit the Cravens Student Services Center, Room 101 for more information. Once registered with DSPS, students will be provided with a DSPS Faculty Notification Letter that can be shared with faculty.

# **Using Universal Design for Learning (UDL) Principles in Instruction**

## **Universal Design for Learning**

According to Sheryl Burgstahler, Ph.D., [University of Washington, DO-IT](http://www.washington.edu/doit) (www.washington.edu/doit), Universal Design for Learning (UDL) is used to develop course instruction, materials, and content so that students of all learning styles benefit without supplemental adaptation or retrofitting. UDL provides equal access to learning, not simply equal access to information. It allows the student to control the method of accessing information while the instructor monitors the learning process and initiates any beneficial methods.

Although this design enables the student to be self-sufficient, the instructor is responsible for imparting and assessing knowledge, and facilitating the learning process. It should be noted that UDL does not remove academic challenges; it removes barriers to access and increases success.

UDL is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized re-design. Making a product or a lesson accessible to people with disabilities often generates unanticipated benefits for others. For example, the captioning of course videos (which provides access to deaf students) is also a benefit to students for whom English is a second language, to some students with learning disabilities, and to anyone watching the video in a noisy environment. All students benefit from UDL Principles.

Designing web resources in accessible formats as they are developed means that no redevelopment may be necessary if a student with a disability enrolls in the class. Allowing all students access to your class notes and assignments on an accessible website can eliminate the need for providing material in alternate formats.

Employing UDL principles does not eliminate the need for specific accommodations for students with disabilities. For example, sign language interpreters are often needed in classroom settings for deaf and hard of hearing students. Nevertheless, the need for additional accommodations is minimized.

## **Principles**

- Identify the essential course content.
- Clearly express the essential content along with any feedback given to the student.
- Integrate natural supports for learning (i.e., using resources already found in the environment such as a study partner).
- Use a variety of instructional methods when presenting material.
- Allow for multiple methods of demonstrating understanding of essential course content.
- Use technology to increase (not decrease) accessibility.

## **Implementation**

- Put course content online allowing students to “pick up” material missed in lecture.
- Use peer mentoring, group discussion and cooperative learning situations rather than strictly lecturing.
- Use guided notes to enable students to listen for essential concepts.
- Provide a comprehensive syllabus with clearly identified course requirements, accommodation statement and due dates.
- Vary instructional methods, provide illustrations, handouts, auditory and visual aids.

- Clarify any feedback or instructions, ask for questions and use multiple examples.
- Relate a new topic to one already learned or a real life example.
- Allow the student to demonstrate knowledge of the subject through alternative means.
- Permit and encourage the use of adaptive technology.
- Develop study guides.
- Have all handouts and text-based materials readily available in electronic format.
- Instead of giving two (2) long exams in one semester, give more frequent shorter exams.

### **Helpful Hints**

- Make your visuals ready for delivery in alternate and/or accessible format.
- All files (PowerPoint, Word, PDF, etc.) need to be in an accessible format.
- Have handouts, tests, et cetera available in electronic format ready to convert to alternate format in a timely fashion.
- Use all available DSPS resources to assist you in the provision of educational accommodations.
- Use accessible Math markup language, such as MathType or LaTeX, when putting any mathematical or scientific equations on paper or in documents.
- Have your textbook list available early so transcribing it into an alternate format can be performed in a timely fashion.

## **Appendix A: Frequently Asked Questions**

### **Is DSPS the same as Special Education?**

There is no special education in postsecondary education. The Individuals with Disabilities Education Act (IDEA), the federal law that applies to education of students with disabilities in K-12, does not apply to postsecondary schools. Because K-12 education is mandated while postsecondary education is not, the rights and responsibilities of students with disabilities are different in K-12 than in college. The primary focus of postsecondary disability services is to ensure that students with disabilities receive classroom accommodations to which they are legally entitled. The law mandates equal access to instruction but does not require fundamental alteration of educational programs.

### **Who is responsible for determining appropriate accommodations?**

The college's designated office, Disabled Students Programs and Services (DSPS), has the professional expertise to verify disabilities and determine appropriate accommodations. Accommodations are based upon documentation collected from a student with a disability and on the student's functional limitations caused by the disabilities. Instructors should not attempt to verify disabilities nor should they determine accommodations. It is always the student's responsibility to inform the instructor, in a timely manner, that they may be using accommodations. The student must provide the instructor with the DSPS Faculty Notification Letter each semester as notification of their accommodations.

## **Are all students with disabilities registered with disability services?**

No, it is likely that some students with disabilities have chosen not to register with DSPPS or they may not have completed the required documentation and intake process to establish eligibility. These students must still provide professional verification of a disability and have the right to accommodations based upon the Americans with Disabilities Act (ADA) and Section 504. Instructors should not attempt to verify a disability and should refer a student who is asking for accommodations to DSPPS. Once verified, the accommodations will be prescribed and a plan developed to provide the accommodation. All of this is completed assuming that timely notification was provided at each step by the student. In addition, a significant number of students may have a disability that has never been identified. When meeting privately with a struggling student, an instructor can refer this student to DSPPS for support.

## **Do I have the right to know the nature of a student's disability?**

The information regarding a student's disability should be shared only when there is a compelling reason for disclosure. The U.S. Department of Justice has indicated that a faculty member generally does not have a need to know what the disability is, only that it has been appropriately verified by the office assigned this responsibility on behalf of the institution. Students may submit their verification to DSPPS without disclosing to the instructor the specific nature of their disability. Upon a student's request for accommodations, the college and the instructor are required by law to properly accommodate the student.

## **What if a faculty member does not allow accommodations?**

Federal law, state law and District Board policy state that the college is mandated to provide equal access. In the area of academic accommodations, the role of DSPS is to assist the college and instructors in meeting their legal obligations to students with disabilities. If an instructor receives a faculty notification letter and does not understand or disagrees with the accommodation, it is the instructor's professional responsibility to contact DSPS to discuss the issue. In the event the instructor discusses the issue with DSPS and there is still disagreement, the District 504 ADA Compliance Officer will review the case and make an interim decision pending resolution through the student grievance procedure. Until a decision is made, the accommodation must be provided. Disallowing the accommodation or telling the student, "You don't need this," or "I don't believe in learning disabilities," is illegal and puts the instructor, college, and district at risk of legal action. Denial of accommodations can also lead to the instructor being held personally liable.

## **May faculty give a failing grade to a student with a disability?**

The laws mandate access to education, not guaranteed academic success. When a faculty member has communicated clear expectations for performance to their students, has provided or allowed academic accommodations as authorized by DSPS, and has worked with DSPS to ensure that course materials are accessible to the student if they need alternate formats (e.g., braille, electronic text, large print, tactile graphics, video captioning, etc.) and the student does not meet the course requirements, then failing a student is proper and lawful.

## **Are faculty expected to accommodate disruptive behavior?**

In the postsecondary setting all students, disabled or not, are expected to follow the Student Code of Conduct as found in the college catalog.

Sometimes it is assumed automatically that students with behavioral issues are students with disabilities and DSPS receives phone calls asking that we intervene. Some students with behavior problems may benefit from a referral to DSPS (especially if behavior is caused by undiagnosed learning disabilities, mental health disabilities, or frustration caused by lack of success in classes). Confidentiality requirements prevent DSPS staff from divulging if the student is already receiving DSPS services. DSPS can talk in generalities about methods to handle behaviors. It is best, however, to follow the standard college procedure if a student is disruptive. Consultation with your Dean is recommended.

## **Is extended time on tests unfair?**

DSPS ensures that accommodations provide students with equal access, but do not give students an unfair advantage. Many students with disabilities are put at a disadvantage by having to take timed tests. Some examples of this include students who process information slower as a result of a learning disability or brain injury, students who have mobility challenges and take longer to write or use a computer and students who have various health impairments who fatigue easily and need breaks during long exams. The DSPS Counselors authorize this accommodation to students who have a disability-related educational limitation so that the student can demonstrate what they know rather than how fast they can complete it.

All test sessions are monitored at regular intervals by DSPS staff. Staff may enter the testing area at any time during the test session and surveillance cameras are utilized to ensure the integrity of the examination environment. Any item not specified on the Test Proctoring Form is not allowed in the testing room. Students are not permitted to leave the testing room for any



reason unless prior arrangements have been made. Unethical behavior is reported to the instructor, the test is collected and the testing is stopped.

### **If I have quizzes or pop quizzes every day in my class, are accommodations required?**

Testing accommodations apply to quizzes, pop quizzes, and any assessment of student knowledge where time is a factor. Some students will need access to a proctor, alternate format, distraction-reduced environment and/or extended time. Instructors are welcome to provide the testing accommodations as prescribed by the DSPS Counselor and DSPS can assist the instructor with these tasks. Feel free to contact DSPS to brainstorm how accommodations should be provided for these types of assessments.

### **Must I allow a student with a disability to make up an exam missed?**

If a student misses an exam for a disability or medically-related reason and shows verification of an extenuating circumstance, it is highly recommended that the instructor considers allowing a makeup exam or not count this exam in their grade calculation. If there were no extenuating circumstances, then normally an exception would not be required. DSPS can assist you in making this decision.

### **Does Academic Freedom protect me from certain disability-related complaints?**

There is a simple "Content and Container" way of looking at academic freedom and disability-related complaints. Academic freedom deals with the subject-based content that the instructor wants to pass on to students. Typically, disability-related laws do not deal with this matter. However, the method by which the instructor chooses to deliver this content to students could lead to a discrimination complaint. If the instructor chooses a

“container” that is not accessible to students with disabilities then this student does not have equal access to the content. Academic freedom does not protect the instructor if the instructor chooses a non-accessible “container” to deliver the content.

### **Will DSPS administer all testing accommodations, such as extended time and alternate formats?**

Understanding that the assessment of knowledge falls under the purview of the instructor, DSPS will assist the instructor by administering testing accommodations and providing alternate formats only if the instructor follows the policies and procedures of this accommodation (see [Appendix B](#)). If an instructor is unable to follow the DSPS testing accommodations policies and procedures, then they will assume the responsibility of providing the accommodation as prescribed by the DSPS Counselor.

## Appendix B: Testing Procedures

While it is the role of the instructor to assess the knowledge of all of their students, instructors may utilize DSPTS as a resource to assist them in delivering prescribed, mandated testing accommodations in an equal and effective manner.

When instructors receive timely requests from students to use the DSPTS Proctored Testing Services, instructors either provide the accommodation themselves as prescribed by DSPTS or proceed as outlined below:

1. The student provides the instructor with a Faculty Notification Letter. The Faculty Notification Letter informs the instructor that the student has an active file with DSPTS and is entitled to services, which may include testing accommodations.
2. Students are required to sign up for proctored testing at least one week in advance prior to the actual administration of the exam. Final Exams need to be scheduled by the deadline assigned by DSPTS.
3. Pop quizzes can be arranged in advance with the Proctoring Office.
4. All quizzes must be given the same additional extended time.
5. The student must provide the instructor with the Test Proctoring Form with the student portion completed at least five (5) business days prior to the test.
6. Testing should be scheduled for the same time the class tests, unless approved by the instructor. Proctoring Office hours of operation may affect when the student can take the exam.
7. Before the Test Proctoring Form is returned to DSPTS, the student and instructor meet to discuss the instructions completed by the instructor to ensure that the student understands the following:
  - The materials that the instructor is allowing the students in class to use.
  - Any special directions or instructions that apply to the test.
  - DSPTS requests that the instructor thoroughly completes the form, as the directions provided are the only ones the DSPTS test proctors have to guide them when administering a quiz or test.

8. The instructor signs the Test Proctoring Form and attaches it to the test or quiz, and can either email it ([dsps@collegeofthedesert.edu](mailto:dsps@collegeofthedesert.edu)), hand deliver it to the DSPS office, or place it in the lock box located outside the DSPS office.
9. Please submit exams to the DSPS Proctoring Office no less than 24 hours prior to the test. If the test needs to be converted into an alternate format such as Kurzweil, DSPS will need at least seven (7) days to convert it. DSPS will contact the instructor if extra time is needed to convert.

### **Additional Information**

- It is not the instructor's responsibility to register a student for testing with the Proctoring Office. Students who did not schedule their exam will be sent back to the classroom.
- If students testing in the regular classroom are allowed to ask the instructor questions during the exam, then students testing in the DSPS Proctoring Office will also be allowed to ask the instructor questions. DSPS will coordinate with the instructor to provide access to classroom questions and/or chart and wall display information when applicable.
- The date and time the test was taken is logged in the DSPS Proctoring Office and available to the instructor upon request.
- Please contact DSPS if you need any guidance in providing testing accommodations or if you have any questions at (760) 773-2534 or [dsps@collegeofthedesert.edu](mailto:dsps@collegeofthedesert.edu).

## **Appendix C: A Note about Military Veteran Students with Disabilities**

It is important to include some general information about Military Veterans who attend College of the Desert. A significant number of Veterans are discharged from the service with a disability rating. Another significant number have a disability but do not seek a rating with Veterans Affairs. Most Veterans do not choose to associate themselves with the DSPS office as they consider themselves wounded warriors and not disabled students. With Veteran enrollment on the rise, you will come in contact with Veterans who need the support of DSPS. Please take the time to refer them to all the services available on campus, including DSPS and Student Health and Wellness. If you want additional information on student Veterans, please visit or contact the [Veterans Resource Center](#). They can refer you to additional resources and trainings on Veteran awareness on the college campus.

# **Appendix D: Animals on Campus and in the Classroom at COD**

## **What is the law?**

Service animals are defined as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog (or miniature horse) has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. - [ADA Requirements: Service Animals, US Department of Justice, Civil Rights Division](http://www.ada.gov/resources/service-animals-2010-requirements)  
(www.ada.gov/resources/service-animals-2010-requirements)

## **What can be asked of the student handler?**

Two, and only two, questions may legally be asked of the student who has the dog or miniature horse.

1. Is the dog (miniature horse) required because of a disability?
  - If the student answers "Yes," then you may ask question 2.
2. What work or task has the dog (miniature horse) been trained to perform?

Note: You may not ask these questions if the need is obvious, e.g., blind person with dog, dog pulling a wheelchair, etc. There is no requirement that these questions must be asked. Sometimes it is best practice not to

intervene unless the animal is disruptive to the educational environment. If the animal is disruptive, you may simply ask that the animal leave the classroom.

### **What cannot be asked of the student handler?**

- Cannot ask anything about the handler's disability.
- Cannot ask for medical documentation to support the need for the service animal.
- Cannot ask for documentation that the service animal has been trained, certified, or licensed.
- Cannot ask that the animal demonstrate its ability to perform its work or task.
- Cannot ask that the service animal wear a vest identifying that it is a service animal.

### **Can the service animal be excluded from the class or premises?**

No. On the college campus, the service animal is an extension of the student. Both the student and the service animal must adhere to the Standards of Student Conduct as outlined in [Board Policy 5500](#). However, if the service animal is disruptive to the educational environment, it may be excluded from the class or premises. Instructors can make this decision. Consultation with the area Dean is always recommended.

### **What if a student states that their animal is a comfort, therapy or emotional support animal (ESA)?**

California law allows persons with disabilities to bring trained service dogs but not therapy, comfort, or emotional support animals, to all public places. Therapy, comfort, and emotional support animals are not permitted on campus.

# **Appendix E: Resources**

## **Accessibility Resources**

[College of the Desert Accessibility Resources](http://www.collegeofthedesert.edu/faculty-staff/accessibility) (www.collegeofthedesert.edu/faculty-staff/accessibility)

## **Assistive Technology Resources**

[California Community Colleges Accessibility Center](http://www.cccaccessibility.org) (www.cccaccessibility.org)

[Center for Applied Special Technology \(CAST\)](http://www.cast.org) (www.cast.org)

[Center for Inclusive Design and Innovation \(CIDI\), Georgia Tech](http://www.cidi.gatech.edu)  
(www.cidi.gatech.edu)

[W3C Web Accessibility Initiative \(WAI\)](http://www.w3.org/WAI) (www.w3.org/WAI)

## **Attention-Deficit/Hyperactivity Disorder (ADHD)**

[Children and Adults with Attention-Deficit/Hyperactivity Disorder \(CHADD\)](http://www.chadd.org)  
(www.chadd.org)

## **Deafness and Hearing Loss**

[American Speech-Language-Hearing Association \(ASHA\)](http://www.asha.org) (www.asha.org)

[Laurent Clerc National Deaf Education Center, Gallaudet University](http://www.clerccenter.gallaudet.edu)  
(www.clerccenter.gallaudet.edu)

[National Deaf Center on Postsecondary Outcomes \(NDC\)](http://www.nationaldeafcenter.org)  
(www.nationaldeafcenter.org)

## **Disability Organizations and Information**

[AccessCollege: The Faculty Room, DO-IT University of Washington](http://www.washington.edu/doit/programs/accesscollege/faculty-room/overview)  
(www.washington.edu/doit/programs/accesscollege/faculty-room/overview)



[Association on Higher Education and Disability \(AHEAD\)](http://www.ahead.org) (www.ahead.org)

[California Association for Postsecondary Education and Disability \(CAPED\)](http://www.caped.co)  
(www.caped.co)

[National Institute of Neurological Disorders and Stroke \(NINDS\), National Institutes of Health](http://www.ninds.nih.gov) (www.ninds.nih.gov)

[National Organization on Disability \(NOD\)](http://www.nod.org) (www.nod.org)

## **Learning Disability**

[LD Online, All About Learning Disabilities and ADHD](http://www.ldonline.org) (www.ldonline.org)

[Learning Disabilities Association of America \(LDA\)](http://www.lidaamerica.org) (www.lidaamerica.org)

[National Center for Learning Disabilities](http://www.nclld.org) (www.nclld.org)

## **Low Vision and Blindness**

[American Foundation for the Blind \(AFB\)](http://www.afb.org) (www.afb.org)

[Braille Institute of America](http://www.brailleinstitute.org) (www.brailleinstitute.org)

[National Library Service \(NLS\) for the Blind and Print Disabled, Library of Congress](http://www.loc.gov/nls)  
(www.loc.gov/nls)

## **Mobility Impairment**

[Mobility International USA \(MIUSA\)](http://www.miusa.org) (www.miusa.org)

## **Universal Design for Learning**

[The Center for Universal Design in Education, DO-IT University of Washington](http://www.washington.edu/doit/programs/center-universal-design-education/overview)  
(www.washington.edu/doit/programs/center-universal-design-education/overview)

# Acknowledgements

The resource guide documents were adapted from the following institutions:

- Fullerton College, *Faculty Resource Guide*
- California Community Colleges Chancellor's Office
- California State University, Fullerton, *Faculty and Staff Handbook*
- California State University, Long Beach, *Disabled Student Services' Faculty Handbook*
- College of Alameda, *A Faculty Guide to Working with Students with Disabilities* (2005)
- De Anza College, *Students with Disabilities: Faculty and Staff Resource Guide*
- Foothill College, *Information for Faculty*
- MiraCosta College, *Faculty Handbook for Students with Disabilities*
- Mt. San Jacinto College, *DSP&S Faculty Handbook*
- Ohio State University, *Instructor Handbook: Teaching Students with Disabilities*
- Riverside Community College District, *DSPS Faculty Handbook*
- Saddleback College, *Partnership: A Faculty Guide to Special Services*